

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

March 22, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady, Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **MINUTES**
 - A. Approve, modify and /or reject the February 22, 2011 minutes. Mr. Shay moved to adopt the February 22, 2011 minutes. Mr. Shay and Mr. Epperson requested minor corrections. Mr. Shay amended his motion to include the minor corrections. Dr. Schaefer Kliman seconded, motion was carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissals
 1. M10-056, Norman B. Jacobson, Land Surveyor #16552 – Dr. Schaefer Kliman moved to dismiss the case. Mr. Folk moved seconded. After discussion, motion carried.
 - B. Proposed Letters of Concern
 1. M10-047, Sidney C. Cranston, P.E. (Civil) #49256 – Mr. Stanley, moved to issue a Letter of Concern to the Respondent for misrepresentation to design a billboard. Mr. Epperson seconded. After discussion, motion carried.
 2. M11-024, Michael A. Banta, Land Surveyor #38175 – Mr. Folk recused himself, citing a Conflict of Interest. Mr. Epperson moved to issue a Letter of Concern to the Respondent for not recording the surveys within the required time frame. Mr. Weiland seconded. After discussion, motion carried.
 3. M11-027, Harrison Engineering, LLC – Mr. Stanley moved to issue a Letter of Concern to the Respondent for having advertised and offered engineering services in Arizona on its website without registration. Mr. Komm seconded. After discussion, motion carried.

C. Proposed Consent Agreements

1. M09-109, James A. Turner, P.E. (Civil) #11601 – Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following order: Letter of Reprimand; and Cost of Investigation; Respondent shall pay the cost of investigation in the amount of \$300.00. Mr. Willett seconded. After discussion, motion carried.
2. M09-116, Peter Takach, P.E. (Civil) #44085 – Mr. Takach was present and addressed the Board. Mr. Stanley moved to accept Respondent's signed Consent Agreement encompassing the following order: Letter of Reprimand; and Peer Review of Respondent's next three (3) projects; and Cost of Investigation; Respondent shall pay the cost of investigation in the amount of \$250.00. Mr. Komm seconded. After discussion, motion carried.
3. M09-133, Ronald O. Montgomery, Architect #41680 – Mr. Henderson was present and addressed the Board. Mr. Shay moved the case be referred back to staff for further investigation. (Board did not accept signed consent agreement) Mr. Willett seconded, motion carried. After discussion, motion carried

D. Review, Discussion and Consideration

1. M10-026, Robert Burns Architect Inc. – Mr. Folk moved the matter be referred back to staff for further investigation. Mr. Weiland seconded. After discussion, motion carried.

2a. M09-125, The Durrant Group

2b. M10-036, The Durrant Group

2c. M10-049, The Durrant Group

2d. M10-078, The Durrant Group

Mr. Folk moved that the Board direct Staff to obtain a Consent Agreement that would include a payment plan within a reasonable period of time, administrative penalty of \$2,000.00 for each violation, the cost of the investigation and the firm's registration. Also, the firm's registration effective would be placed on suspension, but its effectiveness would be stayed, pending Respondent's completion of the payment plan. Mr. Epperson seconded the motion. After discussion, motion carried.

- 2e. M10-079, The Durrant Group – Mr. Folk, Mr. Stanley and Mr. Willett recused themselves, citing Conflict of Interest. Mr. Epperson moved to refer case to Staff for further investigation, to obtain a Consent Agreement to include a Letter of Reprimand, Administrative penalties, and Cost of Investigation. Dr. Schaefer Kliman seconded the motion. After discussion, motion carried.

- 2f. M11-028, The Durrant Group – Mr. Folk and Mr. Willett recused themselves, citing Conflicts of Interest. Mr. Epperson moved to refer the case back to Staff for further investigation and to obtain a Consent Agreement to include a Letter of Reprimand, Administrative Penalties, and Cost of Investigation. Dr. Schaefer Kliman seconded the motion. After discussion, motion carried.

E. Enforcement Advisory Candidate

1. James E. Muth, Land Surveyor #13014 – Mr. Epperson moved to appoint Mr. Muth as an Enforcement Advisory Committee member. Mr. Komm seconded the motion. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Letters of Concern

1. M05-415, Richard E. Ritzwoller, CHI #38973 – Dr. Schaefer Kliman moved to issue Respondent a Letter of Concern for reporting deficiencies. Mr. Folk seconded the motion. After discussion, motion carried.
2. HI10-015, Dennis A. Schnick, CHI #39081 – Mr. Epperson moved to issue Respondent a Letter of Concern for reporting deficiencies. Mr. Komm seconded the motion. After discussion, motion carried.

B. Proposed Consent Agreements

1. M05-343, Richard E. Ritzwoller, CHI #38973 – Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty; Respondent shall pay administrative penalty in the amount of \$300.00; Open Book Test: Respondent shall take and successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$437.00. Mr. Weiland seconded the motion. After discussion, motion carried.
2. HI10-027, Robert W. Gerrard, Non-registrant – Dr. Schaefer Kliman moved to send this case to the County Attorney's Office. Mr. Folk seconded the motion. After discussion, motion carried.
3. HI11-001, Frank H. Long, Non-registrant – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following: Assurance of Discontinuance; Civil Penalty; Respondent shall pay civil penalty in the amount of \$2,000.00; and Cost of Investigation; Respondent shall pay the cost of investigation in the amount of \$210.00. Mr. Weiland seconded the motion. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

Consent Agreement then the case will go to an Administrative Hearing. Mr. Weiland seconded the motion. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following: Review, Consideration, and Possible Action on the following:

1. Arapovic, Zeljko, Civil Engineering Application #090695 – Mr. Zeljko was present and addressed the Board. Mr. Komm recused himself, citing a Conflict of Interest. Mr. Willett moved to waive the FE and authorize Applicant to take the Principles and Practices of Engineering Examination. Mr. Folk seconded. After discussion, motion carried.
2. Perez, Martin, Civil Engineering Application #110023 – Mr. Perez was present and addressed the Board. Mr. Komm moved to waive the FE and authorize Applicant to take the Principles and Practices of Engineering Examination. Mr. Weiland seconded. After discussion, motion carried.
3. Gallardo, Rene, Jr., LSIT Application #110025 – Mr. Epperson moved to approve Mr. Gallardo to take the PLS, Arizona Land Surveyor exam and upon successful completion, grant him registration.. Mr. Folk seconded. After discussion, motion carried.
4. Kleinschmidt, Kathryn, Civil Engineering Application #110022 – Ms. Kleinschmidt was present and addressed the Board. Mr. Willett moved to approve Ms. Kleinschmidt's application and grant her registration. Mr. Komm seconded. After discussion, motion carried.
5. Regulski, Craig, EIT Application #110052 – Mr. Regulski was present and addressed the Board. Mr. Stanley moved to approve Mr. Regulski to take the EIT, Engineering In-Training exam and upon successful completion, grant him registration. Mr. Willett seconded. After discussion, motion carried.
6. Sitzmann, Matthew, Mechanical Engineering Application #110051 – Mr. Sitzmann was present and addressed the Board. Mr. Komm moved to approve Mr. Sitzmann's application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.
7. Tessely, Robert, Land Surveyor Application #110038 – Mr. Epperson moved to approve Mr. Tessely to take and pass the NCEES Principles of Land Surveying and Practices and the Arizona State Specific Examinations and upon successful completion, grant him registration.. Mr. Stanley seconded. After discussion, motion carried. Mr. Weiland - Nay

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

1. The Board discussed whether to draft a new substantive policy statement regarding Board interpretation of the phrases: "school and curriculum approved by the Board," (A.R.S. §§ 32-122(A)(2) and 32-126(D)), and "educational credit approved by the Board," (A.A.C. R4-30-203(E)). After discussion the Board agreed no changes were necessary.
2. The Board discussed whether renewal applications should require registrants to provide their social security number and date of birth. Mr. Weiland moved that it be optional and not mandatory for the applicants to insert their date of birth and social security number on renewal applications. Dr. Schaefer Kliman seconded. After discussion, motion carried.

11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

There were no issues for this Item.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

There were no issues for this Item.

12. DIRECTOR'S REPORT – Executive Director, Mr. Dalrymple updated the Board on the Rules package and on the four Bills that were introduced to the Legislature.

13. BOARD CHAIR'S REPORT – Mr. Shay advised there was nothing new to report.

14. STANDING COMMITTEE REPORT

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised there was nothing new to report. The next L&R Committee meeting is scheduled for April 14, 2011, and she will provide a report at the next Board meeting.
- B. Budget Committee – Mr. Dalrymple advised there was nothing new to report.
- C. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised there was nothing new to report.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

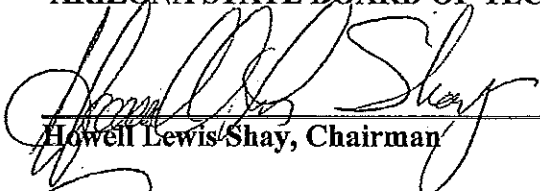
- A. National Council of Examiners for Engineering and Surveying ("NCEES") – Mr. Komm advised there was nothing new to report.
- B. National Council of Architectural Registration Boards ("NCARB") Dr. Schaefer Kliman reported that in January 2011, she attended The Com Six Committee meeting, in Austin, Texas, where six different committees were present. The Committees worked on sorting out various types of issues. Most of the issues were in reference to clarification on the IDP Handbook and items that dealt with individuals without an accredited degree but seeking a certification. Eleven issues were resolved and will be presented to the Board at the next meeting. Also, Dr. Schaefer Kliman learned a Region of Committees met and indicated Continuing Education was well received and probably will be accepted. The Regional Committees are currently working on the time period for renewals, clarification and verbally identifying what is a Continuing Education Hour. She will be attending a Regional and a Continuing Education Hour ("CEH") meeting next month. The Region is trying to standardize and define what an hour is. At the next meeting, Dr. Schaefer Kliman will present the drafted plan of the model law and language.
- C. Council of Landscape Architectural Registration Boards ("CLARB") – Mr. Brady attended the CLARB meeting, in Denver, Colorado. He reported Continuing Education was a topic. He stated a word of caution was recommended to those boards with multiple professionals, and it would be best to use the same hours for Continuing Education and not be different from Board to Board. A survey was done and showed some Boards decided not to go forward with Continuing Education. At the same time, several Boards had already gone through the process. He also learned a number of Architectural Boards had merged with multiple Boards in their own state. Mr. Brady also reported on the Landscape Architectural Public Welfare booklet, a copy was issued to each Board member. He reported the booklet had a wealth of information, and recommend the Public Welfare section.
- D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported attending the ASBOG Subject Matter Expert (SME) workshop on April 1 and 2nd, 2011 in San Diego, CA.

16. FUTURE BOARD MEETINGS –Tuesday, April 26, 2011 at 9:30 AM.

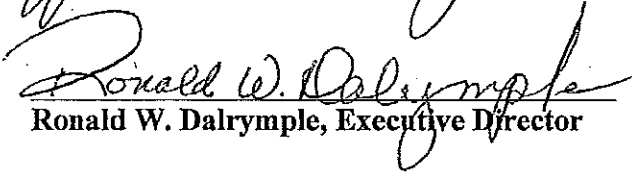
17. FUTURE AGENDA ITEMS –None at this time.

18. ADJOURNMENT—Meeting adjourned at 12:45 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Howell Lewis Shay, Chairman



Ronald W. Dalrymple, Executive Director